

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #8	CCRB Case #: 201910189	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/22/2019 6:32 PM	Location of Incident: [REDACTED]	Precinct: 28	18 Mo. SOL 5/22/2021	EO SOL 1/6/2022	
Date/Time CV Reported Mon, 11/25/2019 9:45 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/25/2019 9:45 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. CPT Mathew Byrnes	00000	945539	034 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 John Kamor	04363	930453	T.A.R.U
2. SGT Jose Vargas	03715	942887	PBMN
3. POM Alejandro Thomas	10965	936086	PBMN
4. POM Rafael Valerio	08545	933437	PBMN

Officer(s)	Allegation	Investigator Recommendation
A.CPT Mathew Byrnes	Force: Captain Mathew Byrnes struck § 87(2)(b) with a vehicle.	[REDACTED]
B.CPT Mathew Byrnes	Force: Captain Mathew Byrnes struck individuals with a vehicle.	[REDACTED]

Case Summary

On November 25, 2019, § 87(2)(b) filed this complaint with the CCRB by phone.

On November 22, 2019, at approximately 6:32 p.m., § 87(2)(b) who was in a protest near 46 West 126th Street in Manhattan, was allegedly struck by a scooter operated by Captain Mathew Byrnes of the 34th Precinct; Captain Byrnes also allegedly drove into a group of unidentified protesters in the street, striking some of them (**Allegations A and B: Force; § 87(2)(g)**).

§ 87(2)(b) took a photograph of Captain Byrnes during the incident [BR01]. She was not arrested or summonsed as a result of the incident.

During the same protest, TARU footage, taken by Det. John Kamor of the TARU Unit, captured unknown officers pulling an individual from a gate, before arresting him (**Allegations C: Force; § 87(2)(g)**) [BR02 through BR08].

No body-worn camera (BWC) footage was received by the investigation [BR09].

Findings and Recommendations

Allegation (A) Force: Captain Mathew Byrnes struck § 87(2)(b) with a vehicle.

Allegation (B) Force: Captain Mathew Byrnes struck individuals with a vehicle.

It remains in dispute whether Captain Byrnes struck § 87(2)(b) and other individuals with a scooter.

§ 87(2)(b) testified that, between 5:15 p.m. to 5:30 p.m., she participated in a march protesting NYPD presence inside the MTA subways. The march began at the plaza of Adam Clayton Powell Jr. State Office Building in Manhattan. At approximately 6:32 p.m., the march reached the intersection of West 126th Street and Malcom X Boulevard. Protesters were both in the street and on the sidewalk; about 15 officers were telling protesters in the street to get on the sidewalk and shoving them towards the sidewalk. § 87(2)(b) was on the sidewalk at this point and was attempting to coordinate other individuals to get out of the street. She did not recall officers issuing commands over the loudspeaker. At some point, the sidewalk became full and protesters were unable to get onto it. As § 87(2)(b) moved down the block, she heard the sound of a motorcycle behind her; she did not hear any commands prior to the scooter approaching, but heard screaming from behind, yelling, “Move, you’re gonna get hit”. § 87(2)(b) attempted to move out of the way, but felt the scooter strike her on her right side by her hip, causing her to stumble into a gated tree. She then observed the operator of the vehicle, Captain Byrnes, drive off the sidewalk and into a crowd gathered on the street, causing two or three of them to fall down. She did not hear any warnings issued by Captain Byrnes or any other warnings, such as a horn, before striking either her or the individuals in the street. § 87(2)(b) stated that it appeared that Captain Byrnes intentionally struck the group of protesters, as he did not slow down prior to hitting them. He stopped driving the scooter once he hit the crowd in the street. § 87(2)(b) sustained bruising on her hip and ankle, although she did not know if this was directly from the scooter or if it was from hitting to the gated tree; she did not seek medical treatment for these injuries. She observed additional officers, she was unsure how many, move to arrest the individuals who were struck by the scooter, but was unable to provide their descriptions and the investigation was unable to identify these officers [BR10].

§ 87(2)(b)'s friend, § 87(2)(b) was also present during the protest. She stated that, when she and the protest reached West 126th Street, she attempted to get on the sidewalk, as she was on the street. She observed one officer strike a protester with his scooter, although this was on the street. She did not know if any officers on scooters drove onto the sidewalk. This officer struck two or three other people on the street, knocking them to the ground. § 87(2)(b) continued walking with the crowd, as she wanted to avoid contact with the police. She did not know the individuals who were struck by the scooter [BR11].

§ 87(2)(b) took a photograph of the officer who she alleged struck her and other individuals. The officer is depicted on an NYPD scooter, with license plate #2544 [BR01]. A FLEET request determined that the scooter was assigned to the Manhattan North Scooter Task Force [BR12].

